

PROB22
(12/2016)

OCT 20 2020

David J. Bradley, Clerk of Court

FILED

October 28, 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

TRANSFER OF JURISDICTION	DOCKET NUMBER (Tran. Court): 2:17CR00556-001	
	DOCKET NUMBER (Rec. Court): SA:20-CR-00497	
	DISTRICT: Southern Texas	DIVISION: BY: cd Corpus Christi
	NAME OF SENTENCING JUDGE: The Honorable Janis Graham Jack	
NAME AND ADDRESS OF SUPERVISED PERSON: Rafael Borrego	DATES OF SUPERVISED RELEASE	From: 03/13/2020 To: 03/12/2023

DEPUTY

OFFENSE:

TRANSPORTATION OF AN UNDOCUMENTED ALIEN, IN VIOLATION OF 8 U.S.C. §§ 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(ii)

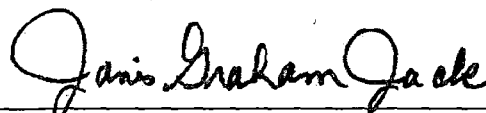
PART 1 - ORDER TRANSFERRING JURISDICTION

United States District Court for the Southern District of Texas, Corpus Christi Division:

IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. 3605, the jurisdiction of the supervised releasee named above be transferred with the records of this Court to the United States District Court for the Western District of Texas, San Antonio Division, upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*

October 16, 2020

Date



Janis Graham Jack

Senior United States District Judge

*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

United States District Court for the Western District of Texas, San Antonio Division:

IT IS HEREBY ORDERED that, jurisdiction over the above-named supervised releasee be accepted and assumed by this Court from and after the entry of this order.

October 19, 2020

Effective Date



United States District Judge

CLOSED,DOCSENT

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Corpus Christi)
CRIMINAL DOCKET FOR CASE #: 2:17-cr-00556-1**

Case title: USA v. Borrego
Magistrate judge case number: 2:17-mj-00864

Date Filed: 09/13/2017
Date Terminated: 03/06/2018

Assigned to: Judge Janis Graham Jack

Defendant (1)

Rafael Borrego
TERMINATED: 03/06/2018

represented by **Francisco Morales**
Federal Public Defender
606 N. Carancahua
Ste 401
Corpus Christi, TX 78401
361-888-3532
Fax: 361-888-3534
Email: francisco_morales@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

John L Gill
Federal Public Defender
606 N Carancahua #401
Corpus Christi, TX 78401
361-888-3532
Fax: 361-888-3534
Email: john_gill@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

BRINGING IN AND HARBORING
ALIENS
(1)

Disposition

30 mos custody of BOP; 3 yrs SRT; \$0
Fine; \$100 special assessment; Court
finds deft is unable to pay \$5000
additional special assessment; inpatient
drug treat program for up to 180 days;
Intensive drug treatment in Prison;
outpatient drug treatment

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints8:1324.F---BRINGING IN AND
HARBORING ALIENS**Disposition****Material Witness****Mateo Santana-Santana**
*TERMINATED: 12/19/2017*represented by **Gabriel R Salais**
Law Office of Scott Ellison PLLC
410 Peoples St
Corpus Christi, TX 78401
361-887-7600
Fax: 361-882-4728
Email: grsvc26@hotmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: CJA Appointment***Plaintiff**

USA

represented by **Amanda Lee Gould**
United States Attorney's Office
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Corpus Christi, TX 78401
361-888-3111
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Retained***Financial Litigation**U S Attorney's Office
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ATTORNEY TO BE NOTICED
Designation: Retained

X Case Manager - Judge Jack
Email: Lori_Purifoy@txs.uscourts.gov
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
08/22/2017		Arrest of Rafael Borrego, filed. (kbledsoe, 2) [2:17-mj-00864] (Entered: 08/23/2017)
08/23/2017	<u>1</u>	COMPLAINT as to Rafael Borrego (1), filed. (idavis, 2) [2:17-mj-00864] (Entered: 08/23/2017)
08/23/2017	<u>2</u>	Affidavit for Material Witness(es) Mateo Santana-Santana as to Rafael Borrego, filed.(idavis, 2) [2:17-mj-00864] (Entered: 08/23/2017)
08/23/2017		Minute Entry for proceedings held before Magistrate Judge Jason B Libby: INITIAL APPEARANCE OF MATERIAL WITNESS(ES) Mateo Santana-Santana as to Rafael Borrego, (Material Witness(es) informed of rights) held on 8/23/2017. Material Witness requests appointed counsel; financial affidavit executed. Court finds Material Witness qualifies for appointed counsel and an attorney will be appointed to represent the Material Witness. Bond set at \$10,000 cash or surety. If able to post bond, the Court will schedule a hearing to set additional conditions of release. Material Witness is a citizen of Mexico; rights to consular notification given; Material Witness wishes to have consular officials notified of arrest; Case Agent to notify consular officials. Appearances: AUSA Mark Patterson. USM-Eric Propst; Silas Zimmerman. (Digital # 2:03:38-2:11:36)(ERO:lynette slayton) (Interpreter:beatriz wright) Deft remanded to custody, filed.(kbledsoe, 2) [2:17-mj-00864] (Entered: 08/23/2017)
08/23/2017		***DISREGARD-DOCKETED IN ERROR***SET HEARINGS FOR MATERIAL WITNESS HECTOR VIDALES-CORTES: Detention Hearing set for 8/25/2017 at 09:00 AM before Magistrate Judge B Janice Ellington. (kbledsoe, 2) Modified on 8/23/2017 (kbledsoe, 2). [2:17-mj-00864] (Entered: 08/23/2017)
08/23/2017		Minute Entry for proceedings held before Magistrate Judge Jason B Libby: INITIAL APPEARANCE as to Rafael Borrego, (Deft informed of rights) held on 8/23/2017. Defendant requests appointed counsel. Financial Affidavit executed. Court finds defendant qualifies for appointed counsel and an attorney will be appointed to represent the defendant. Government moves for detention

		and requests continuance. Court grants Governments request for continuance. Preliminary Examination & Detention Hearing set for 8/28/2017 at 09:00 AM before Magistrate Judge Jason B Libby. Appearances: AUSA Mark Patterson. USMS-Silas Zimmerman; Eric Propst. (Digital # 2:21:00-2:29:04)(ERO:lynette slayton) (Interpreter: not used) Deft remanded to custody, filed.(kbledsoe, 2) [2:17-mj-00864] (Entered: 08/23/2017)
08/23/2017	<u>3</u>	ORDER APPOINTING COUNSEL for Material Witness(es): Mateo Santana-Santana. Gabriel R. Salais appointed. (Signed by Magistrate Judge Jason B Libby) Parties notified. (mserpa, 2) [2:17-mj-00864] (Entered: 08/24/2017)
08/23/2017	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER Federal Public Defender - Corpus Christi for Rafael Borrego (Signed by Magistrate Judge Jason B Libby) Parties notified. (jmarks, 2) [2:17-mj-00864] (Entered: 08/24/2017)
08/23/2017	<u>5</u>	Sealed Financial Affidavit CJA 23 by Material Witness Mateo Santana-Santana as to Rafael Borrego, filed. [2:17-mj-00864] (Entered: 08/24/2017)
08/23/2017	<u>6</u>	Financial Affidavit CJA 23 by Rafael Borrego, filed.[2:17-mj-00864] Directed to Unseal by JGJ. Modified on 3/5/2018 (amireles, 2). (Entered: 08/24/2017)
08/24/2017		NOTICE OF ATTORNEY APPEARANCE Francisco Morales, Federal Public Defender, in case as to Rafael Borrego, filed.(Morales, Francisco) [2:17-mj-00864] (Entered: 08/24/2017)
08/24/2017		***RESET HEARINGS as to Rafael Borrego: Due to Hurricane Harvey, hearings are reset: Preliminary Examination & Detention Hearing set for 8/29/2017 at 09:00 AM before Magistrate Judge Jason B Libby. (kbledsoe, 2) [2:17-mj-00864] (Entered: 08/24/2017)
08/28/2017		**Terminate Preliminary Hearing set for Tuesday, August 29, 2017 at 9:00AM before Judge Jason B. Libby as to Rafael Borrego. Case reset for a later date, TO BE ADVISED. (smedellin, 5) [2:17-mj-00864] (Entered: 08/28/2017)
08/30/2017		***RESET HEARINGS as to Rafael Borrego: Preliminary Examination & Detention Hearing set for 9/5/2017 at 10:00 AM before Magistrate Judge Jason B Libby. (kbledsoe, 2) [2:17-mj-00864] (Entered: 08/30/2017)
09/05/2017		Minute Entry for proceedings held before Magistrate Judge Jason B Libby: PRELIMINARY EXAMINATION & DETENTION HEARING as to Rafael Borrego held on 9/5/2017. Preliminary examination waived in open court. Government requests detention however if the Court decides to set bond, AUSA Cusick requests significant deposit. Discussion held. Court sets bond as follows: \$20,000 bond with \$500 cash deposit; not violate any federal, state or local law while on bond; seek/maintain employment; supervision-WDTX-San Antonio Division; travel restricted to the San Antonio Division with permission to travel to Corpus Christi, TX for court appearances and attorney conferences; Travel outside the restricted area to be pre-approved by USPO; not possess any firearms, destructive devices or other dangerous weapons; refrain from obtaining passport; report any contact with law enforcement; random drug

		testing; not tamper with drug testing ; substance abuse counseling/treatment; do not use/possess any drugs etc unless prescribed by doctor; no alcohol while on bond; no contact with potential co-defendants, witnesses or victims; must follow all instructions given by USPO; submit to medical or psychiatric evaluation and participate treatment as directed by USPO and pay costs associated as deemed necessary; must keep attorney and USPO informed of their current address and phone number. Appearances: AUSA Kenneth Cusick. Francisco Morales. USPO-Noelia Guevara. USM-Hanna Word; Justin De Los Santos; Kevin Price. (Digital # 10:36:04-10:41:52)(ERO:linda rivera) (Interpreter:not used) Deft remanded to custody, filed.(kbledsoe, 2) [2:17-mj-00864] (Entered: 09/05/2017)
09/05/2017		Bond payment received for Rafael Borrego paid by MARIA BORREGO, receipt number CC012528 for \$500.00, filed. (dterrell, 2) [2:17-mj-00864] (Entered: 09/05/2017)
09/05/2017	<u>7</u>	ORDER Setting Conditions of Release (Signed by Magistrate Judge Jason B Libby) Parties notified. (LynetteSlayton, 2) [2:17-mj-00864] (Entered: 09/07/2017)
09/05/2017	<u>8</u>	Appearance Bond Entered as to Rafael Borrego in amount of \$ \$20,000 with a \$500 cash deposit,, filed. (Attachments: # <u>1</u> Unredacted Bond, # <u>2</u> Redacted Affidavit, # <u>3</u> Unredacted Affidavit)(LynetteSlayton, 2) [2:17-mj-00864] (Entered: 09/07/2017)
09/13/2017	<u>9</u>	INDICTMENT (The original indictment with the signature of the grand jury foreperson is on file under seal with the clerk) as to Rafael Borrego (1) count(s) 1, filed. (idavis, 2) (Entered: 09/14/2017)
09/13/2017	<u>10</u>	US Attys Criminal Docket Sheet as to Rafael Borrego, filed.(idavis, 2) (Entered: 09/14/2017)
09/14/2017	<u>11</u>	NOTICE OF SETTING as to Rafael Borrego. Arraignment set for 9/19/2017 at 09:00 AM before Magistrate Judge B Janice Ellington, filed. (legarza, 2) (Entered: 09/14/2017)
09/19/2017		Minute Entry for proceedings held before Magistrate Judge B Janice Ellington: ARRAIGNMENT as to Rafael Borrego (1) Count 1 held on 9/19/2017. Not Guilty on 1. Scheduling order to follow. Appearances:AUSA: E. Salinas USPO: S. Villarreal DUSM: G. Butcher and D. Mihelich. Francisco Morales.(Digital # 10:48-10:53)(ERO:J. Alvarez) (Interpreter:not needed) Deft continued on bond, filed.(legarza, 2) (Entered: 09/19/2017)
09/19/2017	<u>12</u>	SEALED HEARING:(Digital # 9:56-10:01), filed.(legarza, 2) (legarza, 2). (Entered: 09/19/2017)
09/19/2017	<u>13</u>	SCHEDULING ORDER as to Rafael Borrego. Motion Filing due by 10/22/2017. Final Pretrial Conference set for 10/25/2017 at 08:00 AM before Magistrate Judge B Janice Ellington. Jury Selection set for 11/6/2017 at 09:00 AM before Judge Nelva Gonzales Ramos Jury Trial set for 11/6/2017 at 09:00 AM before Judge Nelva Gonzales Ramos (Signed by Magistrate Judge B

		Janice Ellington) Parties notified. (Irivera, 2) (Entered: 09/20/2017)
10/25/2017		Minute Entry for proceedings held before Magistrate Judge B Janice Ellington: RE-ARRAIGNMENT held on 10/25/2017. Rafael Borrego (1) Guilty Count 1. Consent form signed. Plea agreement offered and rejected. PSI ordered. AUSA request material witness deposition. Deft. has no objections to depositions or release. Deft. may show up to depositions, if scheduled. Appearances:AUSA: E. Salinas USPO: V. Rivas DUSM: R. Richards, D. Mihelich and W. Ujhely. Francisco Morales.(Digital # 8:44-9:30)(ERO:J. Marks) (Interpreter:not needed) Deft continued on bond, filed.(Ilegarza, 2) (Entered: 10/25/2017)
10/25/2017	14	Findings and Recommendation on Plea of Guilty as to Rafael Borrego Objections to R&R due by 11/8/2017 (Signed by Magistrate Judge B Janice Ellington) Parties notified. (amireles, 2) (Entered: 10/25/2017)
10/25/2017	15	Consent to Plea of Guilty Before United States Magistrate Judge by Rafael Borrego, filed. (LynetteSlayton, 2) (Entered: 10/25/2017)
10/25/2017	16	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Rafael Borrego. PSI Completion due by 12/9/2017 Objection to PSI due by 12/27/2017 Final PSI due by 1/9/2018 Sentencing set for 2/15/2018 at 01:30 PM before Judge Nelva Gonzales Ramos (Signed by Judge Nelva Gonzales Ramos) Parties notified. (LynetteSlayton, 2) (Entered: 10/25/2017)
11/09/2017	17	ORDER ACCEPTING GUILTY PLEA as to Rafael Borrego re: 14 Report and Recommendations (Signed by Judge Nelva Gonzales Ramos) Parties notified. (bcortez, 2) (Entered: 11/09/2017)
11/13/2017	18	Unopposed MOTION to Take Deposition of Material Witness by Mateo Santana-Santana as to Rafael Borrego, filed. (Salais, Gabriel) (Entered: 11/13/2017)
11/13/2017	19	Amended MOTION to Take Deposition of Material Witness by Mateo Santana-Santana as to Rafael Borrego, filed. (Salais, Gabriel) (Entered: 11/13/2017)
11/13/2017	20	ORDER granting 19 Motion to Depose Material Witness Mateo Santana-Santana as to Rafael Borrego (1). Deposition set for 11/21/17 at 1:00 pm. (Signed by Magistrate Judge B Janice Ellington.) Parties notified.(srussell, 2) (Entered: 11/14/2017)
11/13/2017		Set/Reset Deadlines/Hearings as to Rafael Borrego: Material Witness Deposition (for Mateo Santana-Santana) set for 11/21/2017 at 01:00 PM (srussell, 2) (Entered: 11/14/2017)
12/15/2017	21	MOTION to Release Material Witnesses by Mateo Santana-Santana as to Rafael Borrego, filed. (Salais, Gabriel) (Entered: 12/15/2017)
12/18/2017	23	NOTICE OF SETTING as to Rafael Borrego - regarding 21 MOTION to Release Material Witnesses. Motion Hearing set for 12/21/2017 at 11:30 AM before Magistrate Judge B Janice Ellington, filed. ALL PARTIES NEED TO BE PRESENT. (Ilegarza, 2) (Entered: 12/18/2017)
12/19/2017	24	PROPOSED ORDER re: 21 MOTION to Release Material Witnesses as to

		Rafael Borrego, filed.(Salais, Gabriel) (Entered: 12/19/2017)
12/19/2017		**Terminate Hearings as to Rafael Borrego: 21 MOTION to Release Material Witnesses. Motion Hearing set for 12/21/2017 at 11:30 AM before Magistrate Judge B Janice Ellington (legarza, 2) (Entered: 12/19/2017)
12/19/2017	25	ORDER granting 21 Motion to Release Material Witnesses Mateo Santana-Santana as to Rafael Borrego (1).(Signed by Magistrate Judge B Janice Ellington.) Parties notified. Copy provided to USM. (amireles, 2) (Entered: 12/19/2017)
12/27/2017	26	Objection to Presentence Investigation Report (Sealed) by Rafael Borrego, filed. (Entered: 12/27/2017)
01/09/2018	27	Final Presentence Investigation Report (Sealed) as to Rafael Borrego, filed. (dlanderos, 2) (Entered: 01/09/2018)
01/09/2018	28	Sealed Attachment to 27 Final Presentence Investigation Report (Sealed) as to Rafael Borrego, filed. (dlanderos, 2) (Entered: 01/09/2018)
01/09/2018	29	Sealed Addendum to 27 Final Presentence Investigation Report (Sealed) as to Rafael Borrego, filed. (dlanderos, 2) (Entered: 01/09/2018)
01/09/2018	30	Confidential Sentencing Recommendation(Sealed) regarding Rafael Borrego, filed. (dlanderos, 2) (Entered: 01/09/2018)
01/16/2018	31	NOTICE of Reassignment to Judge Janis Graham Jack as to Rafael Borrego. Deadlines in scheduling orders remain in effect, and all court settings are vacated Judge Nelva Gonzales Ramos no longer assigned to the case. Parties notified, filed. (bcortez, 2) (Entered: 01/16/2018)
01/17/2018	32	NOTICE OF SETTING as to Rafael Borrego. Sentencing set for 3/5/2018 at 01:30 PM before Judge Janis Graham Jack, filed. (lsmith, 2) (Entered: 01/17/2018)
02/08/2018		Arrest of Rafael Borrego in WDTX, San Antonio Division., filed. (vrios, 2) (Entered: 02/12/2018)
02/12/2018	34	Rule 5(c)(3) Documents Received from WDTX, San Antonio Division as to Rafael Borrego, filed.(vrios, 2) (Additional attachment(s) added on 2/12/2018: # 1 Copies from the WDTX, San Antonio Division) (vrios, 2). (Entered: 02/12/2018)
02/12/2018	36	MAIL RETURNED UNDELIVERABLE re: 31 sent to Rafael Borrego as to Rafael Borrego, filed. (hler, 4) (Entered: 02/14/2018)
02/13/2018	35	NOTICE OF SETTING as to Rafael Borrego - regarding 33 Petition for Action on Pretrial Release. Show Cause Hearing on Pretrial Violation set for 2/26/2018 at 09:00 AM before Magistrate Judge B Janice Ellington, filed. (legarza, 2) (Entered: 02/13/2018)
02/20/2018	37	Arrest Warrant issued 1/19/18 Returned Executed on 2/8/18 in case as to Rafael Borrego. Document restricted from PACER under privacy policy, filed. (idavis,

		2) (Entered: 02/20/2018)
02/20/2018	38	Amended Presentence Investigation Report (Sealed) as to Rafael Borrego, filed. (kreyes, 2) (Entered: 02/20/2018)
02/20/2018	39	AmendedSealed Addendum to 38 Final Presentence Investigation Report (Sealed) as to Rafael Borrego, filed. (kreyes, 2) (Entered: 02/20/2018)
02/20/2018	40	Amended Confidential Sentencing Recommendation(Sealed) regarding Rafael Borrego, filed. (kreyes, 2) (Entered: 02/20/2018)
02/21/2018	41	Response to Objections to PSR (Sealed) by USA as to Rafael Borrego, filed. (With attachments) (Entered: 02/21/2018)
02/26/2018		Minute Entry for proceedings held before Magistrate Judge B Janice Ellington: Show Cause Hearing as to Rafael Borrego held on 2/26/2018. Deft. waives hearing. Appearances:AUSA: E. Salinas USPO: E. Rivas DUSM: S. Ostreicher and D. Mihelich. Francisco Morales.(Digital # 8:17-8:18)(ERO:L. Slayton) (Interpreter:not used) Deft remanded to custody, filed.(legarza, 2) (Entered: 02/26/2018)
03/05/2018		Minute Entry for proceedings held before Judge Janis Graham Jack: Sentencing held on 3/5/2018 for Rafael Borrego (1), Count(s) 1, 30 mos custody of BOP; 3 yrs SRT; \$0 Fine; \$100 special assessment; Court finds deft is unable to pay \$5000 additional special assessment; inpatient drug treat program for up to 180 days; Intensive drug treatment in Prison; outpatient drug treatment. (Objection overruled) Appearances:USPO: Edward Cortez; USM: Justin De Los Santos / Eric Probst. Amanda Lee Gould, Francisco Morales.(Digital # 1:40 - 1:53) (ERO:J. Marks) Deft remanded to Custody of USM, filed.(lsmith, 2) (Entered: 03/05/2018)
03/06/2018	42	JUDGMENT as to Rafael Borrego (Signed by Judge Janis Graham Jack) Parties notified. (mserpa, 2) (Entered: 03/06/2018)
03/06/2018	43	Statement of Reasons (Sealed) as to Rafael Borrego. NOTICE: Document available to applicable parties only. Authorized users enter CM/ECF Filer login and password first for authentication. Instructions available at http://www.txs.uscourts.gov/attorney-information - Electronic Access to Sealed Documents. Be sure to SAVE the document locally at the time of viewing, filed. (Entered: 03/06/2018)
07/20/2018	44	MOTION for Bond <i>Default of the Security</i> by USA as to Rafael Borrego, filed. (Attachments: # 1 Proposed Order, # 2 Judge's Procedures, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E, # 8 Exhibit F)(Gould, Amanda) (Entered: 07/20/2018)
07/20/2018	45	ORDER DECLARING FORFEITURE OF THE BAIL as to Rafael Borrego (Signed by Judge Janis Graham Jack) Parties notified. (amartinez, 2) (Entered: 07/23/2018)
07/20/2018	46	ORDER DIRECTING NOTICE ON MOTION FOR JUDGMENT OF DEFAULT OF THE SECURITY FOR THE APPEARANCE BOND re: 44 as

		to Rafael Borrego (Signed by Judge Janis Graham Jack) Parties notified. (amartinez, 2) (Entered: 07/23/2018)
07/23/2018		Copy of DE# 46 mailed to Francisco Morales, FPD, as to Rafael Borrego;, filed. (amartinez, 2) (Entered: 07/23/2018)
07/27/2018	47	Certified Mail Receipt Returned as to Rafael Borrego re: Document(s) Sent, - receipt attached, access restricted to court users for privacy reasons -, filed. (mserpa, 2) (Entered: 07/27/2018)
07/30/2018	48	RESPONSE by Rafael Borrego re 46 Order Directing Notice on Motion for Judgment of Default of the Security for the Appearance Bond, filed.(vrios, 2) (Entered: 07/30/2018)
07/30/2018	49	Certified Mail Receipt Returned as to Rafael Borrego, executed on 7/26/18 re: Document(s) Sent, - receipt attached, access restricted to court users for privacy reasons -, filed. (jmarks, 2) (Entered: 07/31/2018)
08/09/2018	50	MOTION to Set Aside Forfeiture by Rafael Borrego, filed. (Morales, Francisco) (Entered: 08/09/2018)
08/13/2018	51	NOTICE OF SETTING as to Rafael Borrego - regarding 50 MOTION to Set Aside Forfeiture . Motion Hearing set for 8/23/2018 at 10:30 AM before Magistrate Judge Jason B Libby, filed. (KendraPearson, 2) (Entered: 08/13/2018)
08/20/2018	52	Certified Mail Receipt Returned from Maria Borrego as to Rafael Borrego, executed on 8/20/18 re: Document(s) Sent - receipt attached, access restricted to court users for privacy reasons -, filed. (Irivera, 2) (Entered: 08/20/2018)
08/23/2018		Minute Entry for proceedings held before Magistrate Judge Jason B Libby: MOTION HEARING as to Rafael Borrego held on 8/23/2018 re: 44 MOTION for Bond <i>Default of the Security</i> , 50 MOTION to Set Aside Forfeiture . Discussion held. Arguments heard. Testimony presented by Maria Borrego. Testimony presented by Rafael Borrego. Ruling and recommendation forthcoming. Appearances:AUSA David Paxton. Francisco Morales. Maria Borrego is present in Court. (Digital # 10:39:57-11:19:36)(ERO:judy alvarez) (Interpreter:not used) Deft remanded to custody, filed.(KendraPearson, 2) (Entered: 08/23/2018)
08/23/2018	53	MEMORANDUM AND RECOMMENDATIONS as to Rafael Borrego. Objections to M&R due by 9/6/2018. (Signed by Magistrate Judge Jason B Libby) Parties notified. (jalvarez, 2) Copies sent to Obligor Maria Borrego ,to AUSA David Paxton, and to FPD Frank Morales 8-24-2014. (Entered: 08/24/2018)
08/24/2018	54	ORDER WITHDRAWING MEMORANDUM AND RECOMMENDATION [D. E. 53] as to Rafael Borrego. (Signed by Magistrate Judge Jason B Libby) Parties notified. (jalvarez, 2) (Entered: 08/24/2018)
08/24/2018	55	AMENDED MEMORANDUM AND RECOMMENDATION as to Rafael Borrego 53 REPORT AND RECOMMENDATIONS as to Rafael Borrego, 44

		MOTION for Bond <i>Default of the Security</i> (Signed by Magistrate Judge Jason B Libby) Parties notified. (fcarbia, 2) (Entered: 08/24/2018)
11/20/2018	56	MAIL RETURNED UNDELIVERABLE re: 55 sent to Rafael Borrego as to Rafael Borrego, filed. (scastillo, 1) (Entered: 11/26/2018)
04/07/2020	57	Unopposed MOTION to Amend <i>Conditions of Supervised Release (Replacing inpatient treatment and counseling with outpatient treatment, counseling, and testing)</i> by Rafael Borrego, filed. (Attachments: # 1 Exhibit BOP Memo to Borrego)(Morales, Francisco) (Entered: 04/07/2020)
04/13/2020	58	ORDER denying 57 Motion to Amend as to Rafael Borrego (1) and Delays inpatient drug counseling and treatment until September 1, 2020, or until further notice from this Court..(Signed by Judge Janis Graham Jack.) Parties notified.(Irivera, 2) (Entered: 04/13/2020)
08/25/2020		NOTICE OF ATTORNEY APPEARANCE John L Gill, Federal Public Defender, in case as to Rafael Borrego, filed.(Gill, John) (Entered: 08/25/2020)
08/25/2020	59	Sealed Event, filed. (Entered: 08/25/2020)
09/03/2020	60	ORDER granting 59 Sealed Motion as to Rafael Borrego (1).(Signed by Judge Janis Graham Jack.) Parties notified.(LoriPurifoy, 4) (Entered: 09/03/2020)
10/20/2020	61	Supervised Release Jurisdiction Transferred to Western District of Texas, San Antonio Division as to Rafael Borrego., filed.(ChristinaAvila, 2) (Entered: 10/22/2020)
10/22/2020	62	TRANSMITTAL LETTER as to Rafael Borrego re: Transfer of Jurisdiction, filed. (ChristinaAvila, 2) (Entered: 10/22/2020)

PACER Service Center			
Transaction Receipt			
10/28/2020 11:02:31			
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Billable Pages:	7	Cost:	0.70
Exempt flag:	Exempt	Exempt reason:	Always

PACER fee: Exempt

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

CORPUS CHRISTI DIVISION

Clerk, U.S. District Court
Southern District of Texas
FILED

SEP 13 2017

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

RAFAEL BORREGO

§
§
§
§
§

CRIMINAL NUMBER:

C-17-556

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

On or about August 22, 2017, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

RAFAEL BORREGO,

did knowingly and in reckless disregard of the fact that Mateo Santana-Santana was an alien who had come to, entered, and remained in the United States in violation of law, transport, move, attempt to transport, and attempt to move said alien within the United States in furtherance of such violation of law by means of a motor vehicle.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(ii).

A TRUE BILL:

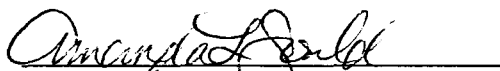
ORIGINAL SIGNATURE ON FILE

FOREPERSON OF THE GRAND JURY

ABE MARTINEZ

ACTING UNITED STATES ATTORNEY

By:



AMANDA L. GOULD

Assistant United States Attorney

UNITED STATES DISTRICT COURT
Southern District of Texas
Holding Session in Corpus Christi

ENTERED

March 06, 2018

David J. Bradley, Clerk

UNITED STATES OF AMERICA
V.
RAFAEL BORREGO

JUDGMENT IN A CRIMINAL CASECASE NUMBER: **2:17CR00556-001**

USM NUMBER: 62830-079

Francisco Morales, AFPD

Defendant's Attorney

☐ See Additional Aliases.**THE DEFENDANT:**☒ pleaded guilty to count(s) 1 on October 25, 2017.☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. §§ 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(ii)	Transportation of an Undocumented Alien	08/22/2017	1

☐ See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the .

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

March 5, 2018

Date of Imposition of Judgment



Signature of Judge

JANIS GRAHAM JACK
SENIOR U. S. DISTRICT JUDGE

Name and Title of Judge

March 6, 2018

Date

DEFENDANT: **RAFAEL BORREGO**CASE NUMBER: **2:17CR00556-001**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 30 months.

☐ See Additional Imprisonment Terms.

☒ The court makes the following recommendations to the Bureau of Prisons:
That the defendant participate in the Residential Drug Abuse Program (RDAP) while incarcerated.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: **RAFAEL BORREGO**CASE NUMBER: **2:17CR00556-001****SUPERVISED RELEASE**Upon release from imprisonment you will be on supervised release for a term of: 3 years.☐ See Additional Supervised Release Terms.**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION☒ See Special Conditions of Supervision.

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment, you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

DEFENDANT: **RAFAEL BORREGO**CASE NUMBER: **2:17CR00556-001**

SPECIAL CONDITIONS OF SUPERVISION

SUBSTANCE ABUSE TREATMENT AND TESTING: You must participate in an outpatient substance-abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program, including the provider, location, modality, duration, and intensity. You must pay the costs of the program, if financially able.

You may not possess any controlled substances without a valid prescription. If you do have a valid prescription, you must follow the instructions on the prescription.

You must submit to substance-abuse testing to determine if you have used a prohibited substance, and you must pay the costs of the testing if financially able. You may not attempt to obstruct or tamper with the testing methods.

You may not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances, including synthetic marijuana or bath salts, that impair a person's physical or mental functioning, whether or not intended for human consumption, except as with the prior approval of the probation officer.

IN-PATIENT DRUG TREATMENT: In the event the defendant does not complete the Residential Drug Abuse Program (RDAP) while in custody, the defendant shall first, as part of the drug treatment condition above, participate in an inpatient program for the treatment of drug and/or alcohol addiction, dependency or abuse, to begin immediately upon release from confinement for a period of up to 180 days, as directed by the probation officer. The defendant is not permitted to leave the facility during the first 30 days of treatment.

MENTAL HEALTH TREATMENT: You must participate in a mental-health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program, including the provider, location, modality, duration, and intensity. You must pay the cost of the program, if financially able.

You must take all mental-health medications that are prescribed by your treating physician. You must pay the costs of the medication, if financially able.



See Additional Special Conditions of Supervision.

DEFENDANT: **RAFAEL BORREGO**CASE NUMBER: **2:17CR00556-001****CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00	\$0.00	\$0.00

The court found that the \$5,000 special assessment, listed under 18 U.S.C. § 3014, was not applicable based on the finding of indigency.

☐ See Additional Terms for Criminal Monetary Penalties.

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal payees must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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☐ See Additional Restitution Payees.

TOTALS	<u>\$0.00</u>	<u>\$0.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

☐ Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **RAFAEL BORREGO**CASE NUMBER: **2:17CR00556-001****SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of _____ due immediately, balance due
 ☐ not later than _____, or
 ☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ installments of _____ over a period of _____, to commence _____ days after the date of this judgment; or
- D ☐ Payment in equal _____ installments of _____ over a period of _____, to commence _____ days after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Payable to: Clerk, U.S. District Court
 Attn: Finance
 1133 N Shoreline Blvd., Ste 208
 Corpus Christi, TX 78401

The special assessment shall be paid during the term of supervised release at a rate of \$10.00 per month, beginning 30 days after placement on supervised release.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number

Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several
Amount

Corresponding Payee,
if appropriate

- ☐ See Additional Defendants and Co-Defendants Held Joint and Several.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:
- ☐ See Additional Forfeited Property.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.